

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

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| TRUSTEES OF THE BRICKLAYERS LOCAL NO. 22 et al., | : | Case No. 3:16-cv-491 |
| | | Magistrate Judge Michael R. Merz |
| Plaintiffs, | : | |
| - vs - | : | |
| MIAMI VALLEY MASONRY, INC. | : | |
| | : | |
| Defendant. | | |

RECUSAL ORDER

This case is before the court *sua sponte*.

In reviewing the parties Rule 26(f) Report (ECF No. 8), it appears the trial in this matter will be scheduled past the date on which the undersigned's term of office expires (March 1, 2018). Therefore, the undersigned hereby RECUSES himself from further participation in this case and directs the Clerk to randomly re-assign the case to one of the other Magistrate Judges at Dayton.

The Court appreciates the confidence in him displayed by the parties' consent to magistrate judge jurisdiction under 28 U.S.C. § 636(c). Such consent is personal and does not transfer when a case is re-assigned. While the undersigned would encourage the parties to

consider consenting to plenary jurisdiction of the transferee Magistrate Judge, that consent must be given separately, e.g., in an amended Rule 26(f) report.

March 24, 2017.

s/ *Michael R. Merz*
United States Magistrate Judge